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Agency Secretary  
Cal/EPA



## Department of Toxic Substances Control

8800 Cal Center Drive  
Sacramento, California 95826-3200



Arnold Schwarzenegger  
Governor

### Response to Comments (May 16, 2005)

#### **REMOVAL ACTION WORKPLAN AND NEGATIVE DECLARATION**

**Hitachi Global Storage Technologies, Incorporated  
5600 Cottle Road  
San Jose, California 95193  
EPA Id. No. CAR000128793**

#### **Background**

##### **Public Participation Activities:**

The Department of Toxic Substances Control (DTSC) issued the public notice for the Draft Hazardous Waste Facility Permit, Draft Removal Action Workplan (RAW) for Parcel O-6, and Draft Negative Declaration on March 11, 2005. A display advertisement was placed in the San Jose Mercury News announcing the comment period and public hearing on March 11, 2005. A fact sheet with information about the project and public participation activities was mailed to approximately 1,260 addresses on the facility mailing list and to approximately 70 addresses on the mandatory mailing list for DTSC's Berkeley office. A public hearing was held on April 13, 2005, at the Alex Anderson Elementary School in San Jose. No member of the public attended the public hearing. The comment period ran from March 11, 2005, through April 25, 2005. Document repositories were set up at the Santa Teresa Library in San Jose and at the DTSC offices in Berkeley and Sacramento. Comments concerning the Draft Negative Declaration and Draft RAW for Parcel O-6 were received from Ms. Katherine Zavala and from Mr. Timothy Sable. No comments were received concerning the Draft Permit.

##### **California Environmental Quality Act (CEQA):**

DTSC prepared an Initial Study, dated March 10, 2005, to evaluate potential environmental effects associated with the Draft Permit and the Draft RAW for Parcel O-6. On the basis of the Initial Study, DTSC found that the proposed project could not have a significant effect on the environment and a Draft Negative Declaration was prepared.

### **Comments Received and Responses to Comments**

The following comments were received during the public comment period, which ran from March 11, 2005, through April 25, 2005.

Ms. Katherine Zavala, Director, Bright Horizons Family Solutions. Phone call to Mr. Paul Ruffin, DTSC, on March 17, 2005.

#### **Comment 1:**

Figure 1, Site Orientation Map, incorrectly indicates that Nearby Sensitive Uses, number 2, is the location of a day care associated with Kaiser Hospital. This location, at 6120 Liska Lane, is the location of Bright Horizons Family Solutions, which is not associated with Kaiser Hospital.

#### **Response to Comment 1:**

Figure 1, Site Orientation Map, which is in the Initial Study and in the project fact sheet has been revised to correctly identify Bright Horizons Family Solutions.

Mr. Timothy Sable, District Branch Chief, California Department of Transportation, letter dated April 4, 2005.

#### **Comment 2:**

A Traffic Control Plan should be submitted to the Department of Transportation for review and approval well in advance of the RAW project construction. The Plan should identify:

- Access points to any Interstate, US and State routes
- Staging areas
- Dump sites
- Operating hours
- Project duration, scheduling and phasing, and
- The total number of construction vehicles and their respective haul routes *per project phase*. Haul routes should be carefully researched as truck prohibitions are in effect on some state routes during particular hours.

**Response to Comment 2:**

A Transportation Plan was part of the Draft RAW. DTSC's approval of the RAW for Parcel O-6 includes a condition requiring Hitachi GST to submit the Traffic Control Plan (Transportation Plan) to the Department of Transportation for review and approval. The Traffic Control Plan must include the specific information requested by the Department of Transportation. Attached is the document, "Additional Project Controls for Removal Action Workplan," which includes DTSC's approval conditions for transportation resources. In response to the Department of Transportation's letter, a revised Transportation Plan was sent to the Department of Transportation on April 19, 2005, by ENVIRON International Corporation, on behalf of Hitachi GST.

**Comment 3:**

Hauling on state routes should occur only during off peak hours, e.g., from 9:00 AM until 3:00 PM, if possible.

**Response to Comment 3:**

The Transportation Plan in the Draft RAW stated that transportation would be timed to avoid peak traffic hours. DTSC's approval of the RAW for Parcel O-6 includes a condition requiring hauling on state routes to occur only during off peak hours, e.g., from 9:00 AM until 3:00 PM, if possible. The revised Transportation Plan prepared by ENVIRON includes this requirement.

**Comment 4:**

Please be advised that any work or traffic control within the State right-of-way (ROW) will require an encroachment permit from the Department of Transportation.

**Response to Comment 4:**

Thank you for your advice. The RAW for Parcel O-6 will not include any work or traffic control within the State right-of-way (ROW), so an encroachment permit from the Department of Transportation will not be necessary.

**Attachments**

Revised Figure 1, Site Orientation Map

Additional Project Controls for Removal Action Workplan

A u t h o r	P. RUFFIN	R e v i e w e r	R. AKULA	R e v i e w e r	N. SOTAK	R e v i e w e r	M. SANDHU	R e v i e w e r		Site Name/File Code	T Y P I S T	P. Ruffin
	Original signed by P.Ruffin		Original signed by R.Akula		Original signed by N.Sotak		Original signed by M.Sandhu			Hitachi Global Storage Technologies Inc. PCA: 25040 Site: 201476 WP: 33 MPC: 206		Hitachi Response to Comments K:drive

## Response to Comments (May 16, 2005)

### REMOVAL ACTION WORKPLAN AND NEGATIVE DECLARATION

**Hitachi Global Storage Technologies, Incorporated**  
**5600 Cottle Road**  
**San Jose, California 95193**  
**EPA Id. No. CAR000128793**

#### **Background**

#### **Public Participation Activities:**

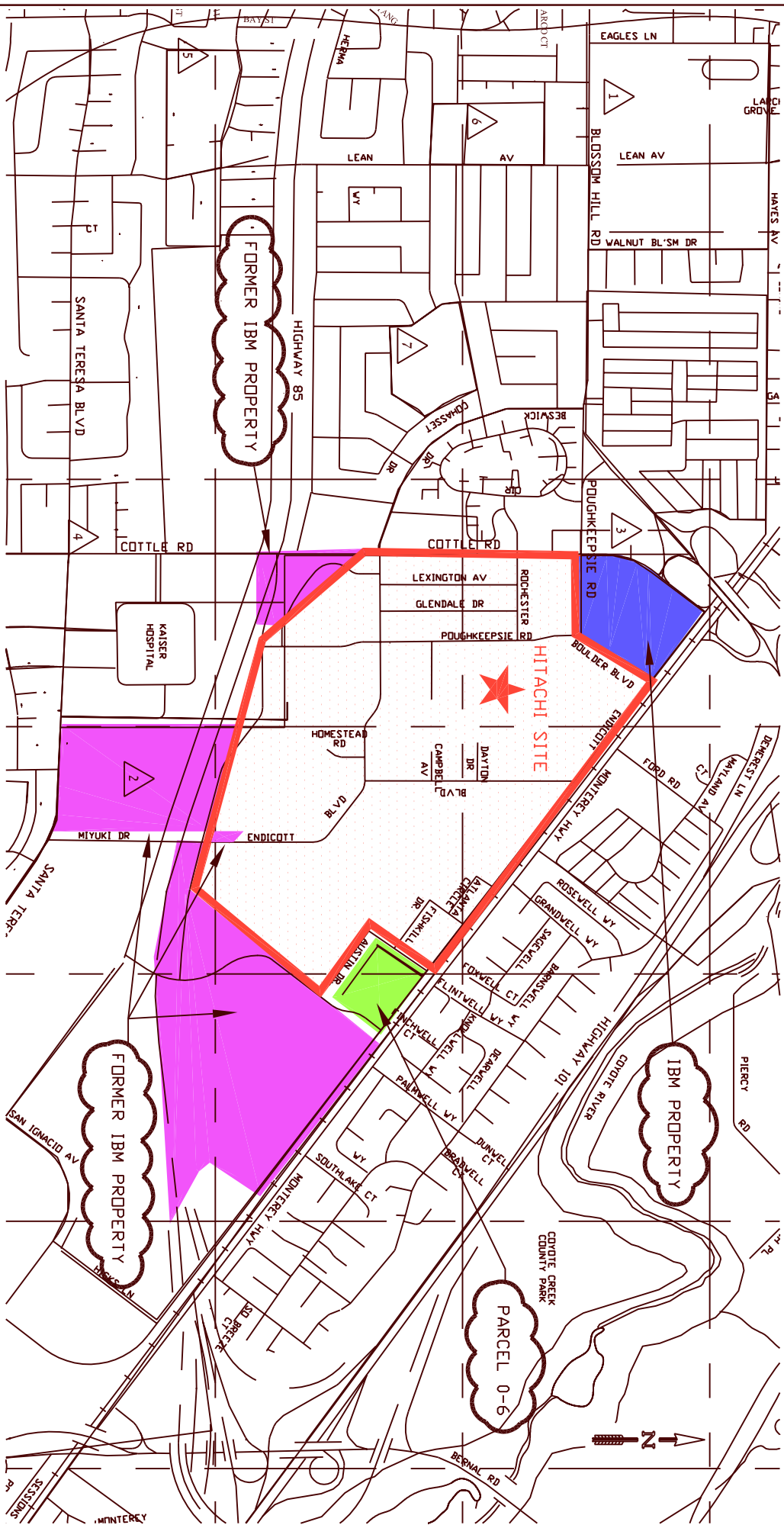
The Department of Toxic Substances Control (DTSC) issued the public notice for the Draft Hazardous Waste Facility Permit, Draft Removal Action Workplan (RAW) for Parcel O-6, and Draft Negative Declaration on March 11, 2005. A display advertisement was placed in the San Jose Mercury News announcing the comment period and public hearing on March 11, 2005. A fact sheet with information about the project and public participation activities was mailed to approximately 1,260 addresses on the facility mailing list and to approximately 70 addresses on the mandatory mailing list for DTSC's Berkeley office. A public hearing was held on April 13, 2005, at the Alex Anderson Elementary School in San Jose. No member of the public attended the public hearing. The comment period ran from March 11, 2005, through April 25, 2005. Document repositories were set up at the Santa Teresa Library in San Jose and at the DTSC offices in Berkeley and Sacramento. Comments concerning the Draft Negative Declaration and Draft RAW for Parcel O-6 were received from Ms. Katherine Zavala and from Mr. Timothy Sable. No comments were received concerning the Draft Permit.

#### **California Environmental Quality Act (CEQA):**

DTSC prepared an Initial Study, dated March 10, 2005, to evaluate potential environmental effects associated with the Draft Permit and the Draft RAW for Parcel O-6. On the basis of the Initial Study, DTSC found that the proposed project could not have a significant effect on the environment and a Draft Negative Declaration was prepared.

# SITE ORIENTATION MAP

FIGURE - 1



## NEARBY SENSITIVE USES

- |   |   |   |   |
|---|---|---|---|
| 1 | OAK GROVE HIGH SCHOOL, 285 BLOSSOM HILL ROAD          | 5 | OAKRIDGE SCHOOL, 5920 BUFKIN DRIVE                  |
| 2 | BRIGHT HORIZONS FAMILY SOLUTIONS, 6120 LISKA LANE     | 6 | GEORGE MINOR SCHOOL, 5629 LEAN AVENUE               |
| 3 | SOUTHSIDE COMMUNITY CENTER, 5585 COTTLE ROAD          | 7 | ALEX ANDERSON ELEMENTARY SCHOOL, 5800 CALPINE DRIVE |
| 4 | FAMILIAR FOOTSTEPS DAYCARE/PRESCHOOL, 301 COTTLE ROAD |   |   |



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### ADDITIONAL PROJECT CONTROLS FOR REMOVAL ACTION WORKPLAN

Hitachi Global Storage Technologies, Incorporated  
5600 Cottle Road, San Jose, California  
May 16, 2005

The removal action on Parcel O-6 shall be managed according to the "Removal Action Workplan (RAW), Parcel O-6, Hitachi Global Storage Technologies, Inc., 5600 Cottle Road, San Jose, California," dated March 3, 2005, and the following project controls that are hereby incorporated into the project approval.

#### Biological Resources

These project controls will be implemented during the Parcel O-6 removal action in order to reduce impacts to the burrowing owl, nesting raptors, Loggerhead Shrikes, and ordinance-sized trees to less than significant levels.

#### Burrowing Owl:

- In conformance with federal and State regulations protecting raptors against direct "take," pre-construction surveys for burrowing owls will be conducted by a qualified ornithologist prior to any soil-altering activity or development occurring within the project area. The pre-construction surveys shall be conducted per California Department of Fish and Game (CDFG) guidelines (currently no more than 30 days prior to the start of site grading), regardless of the time of year in which grading occurs. If no burrowing owls are found, then no further mitigation would be warranted.
- If pre-construction surveys determine that burrowing owls are located on or immediately adjacent to the site, a construction-free buffer zone around the active burrow must be established as determined by the ornithologist in consultation with CDFG. No activities, including grading or other construction work or evictions of owls, shall proceed that may disturb breeding owls. Construction can resume once owls have fledged.
- If pre-construction surveys determine that burrowing owls occupy the site, and avoiding development of occupied areas is not feasible based on determination of the lead agency, then the owls may be evicted if pre-authorized by the CDFG.

CDFG typically allows eviction of owls only during the nonbreeding season (September 1- January 31).

#### Nesting Raptors and Loggerhead Shrikes:

- Construction should be scheduled to avoid the nesting season to the extent feasible. The nesting season for most birds, including raptors and shrikes, in the South San Francisco Bay area extends from January through August.
- If site clearing, demolition, and construction do not commence between September 1 and December 31, then pre-construction surveys, for nesting birds shall be conducted by a qualified ornithologist to ensure that no nest will be disturbed during project implementation. This survey shall be conducted no more than 14 days prior to the initiation of demolition/construction activities during the early part of the breeding season (January through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). During this survey, the ornithologist will inspect all trees and other habitats (e.g., grasslands, buildings) in and immediately adjacent to the impact areas for nests. If an active nest is found sufficiently close to work areas to be disturbed by these activities, the ornithologist, in consultation with CDFG, will determine the extent of a construction-free buffer zone to be established around the nest, typically 250 feet, to ensure that no nests of species protected by the MBTA or State code will be disturbed during project implementation.
- If vegetation is to be removed by the project and all necessary approvals have been obtained, suitable nesting substrate (that is, bushes, trees, grass, burrows) that will be removed by the project shall be removed before the start of the nesting season (February) to help preclude nesting. Removal of vegetation or structures slated for removal by the project shall be completed outside of the nesting season, which extends from January through August.

#### Trees:

- The City of San Jose requires that a tree removal permit be obtained for the removal of trees of any size for commercial or industrial properties.
- For removal of trees 56 inches in circumference or more, a public hearing is required. It is not anticipated that trees of this size will require removal under this project.

- Ordinance sized trees, 56-inch in circumference or 18-inch in diameter, to be removed as part of the project will be replaced with 24-inch box native species at a ratio of four to one (4 replacement:1 removed). Non ordinance-sized trees 12-inch in diameter or greater will be replaced at a ratio of two to one with 24-inch box native species and trees less than 12-inch in diameter will be replaced at a ratio of one to one with 15 gallon native species. Orchard-type trees (fruit and nut trees) are not included in this requirement. This activity will be coordinated by the City of San Jose.
- To the extent possible, healthy and mature trees will be incorporated into the project landscaping design for the police station. Where feasible, ordinance sized trees will be removed, boxed, and replanted on site as part of the project landscaping for the police station. This activity will be coordinated by the City of San Jose.
- Pre-construction treatments:
  1. Hitachi shall retain a consultant arborist. The arborist shall document the removal of trees for replacement by the City of San Jose as detailed above. The construction superintendent shall meet with the consulting arborist before beginning work to discuss work procedures and tree protection.
  2. Fence all trees to be retained to completely enclose the tree protection zone prior to demolition, grubbing or grading. Fences shall be 6 feet chain link or equivalent as approved by construction arborist. Fences are to remain until all grading and construction is completed.
  3. Prune trees to be preserved to clean the crown and to provide clearance. All pruning shall be completed or supervised by a Certified Arborist and adhere to the Best Management Practices for Pruning of the International Society of Arboriculture.
- Recommendations for tree protection during construction:
  1. No grading, construction, demolition or other work shall occur within the tree protection zone. Any modifications must be approved and monitored by the consulting arborist.



2. Any root pruning required for construction purposes shall receive the prior approval of, and be supervised by the consulting arborist.
3. Supplemental irrigation shall be applied as determined by the consulting arborist.
4. If injury should occur to any tree during construction, it shall be evaluated as soon as possible by the consulting arborist so that appropriate treatments can be applied.
5. No excess soil, chemicals, debris, equipment or other materials shall be dumped or stored within the tree protection zone.
6. Any additional tree pruning needed for clearance during construction must be performed or supervised by an arborist and not by construction personnel.
7. As trees withdraw water from the soil, expansive soils may shrink within the root area. Therefore, foundations, footings, and pavements, on expansive soils near trees shall be designed to withstand differential displacement.

### Cultural Resources

No known historic resources exist at the Facility. The removal action on Parcel O-6 involves grading and shallow excavation. In the event such resources are located, Hitachi GST will cease activities which could affect the resources until a qualified archaeologist can conduct a survey on the subject property and make recommendations to Hitachi GST concerning appropriate action. Hitachi GST will be responsible for all necessary notifications to the County Planning Office and/or other notifications required by such discoveries. The following project measures shall be implemented as necessary and will reduce project impacts for the Parcel O-6 removal action to less than significant levels.

- In the event that either prehistoric or historic archaeological materials are exposed or discovered during site preparation or subsurface construction, operations within a 25-foot radius of the find shall be halted until the find can be inspected by a qualified professional archaeologist. If the archaeologist concludes that the find may be of significance, a plan for evaluating the significance of the resource and recommending appropriate mitigation under the

current CEQA Guidelines shall be prepared by the archaeologist and submitted to the Director Planning, Building and Code Enforcement.

- In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that he remains are not subject to his authority, he shall notify the Naïve American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance. A final report shall be submitted to the Environmental Principal Planner of the City of San Jose Department of Planning, Building and Code Enforcement and Director of Public Works. This report shall contain a description of the mitigation programs and its results including a description of the monitoring and testing program, a list of the resources found, a summary of the resources analysis methodology and conclusion and a description of the disposition/curation of the resources. The report shall verify completion of the mitigation program to the satisfaction of the Environmental Principal Planner of the Department of Planning, Building and Code Enforcement.

### Transportation Resources

In response to comments from the California Department of Transportation the following project measures shall be implemented to reduce impacts to transportation resources.

- Two copies of a Traffic Control Plan must be submitted to: Mr. Jose L. Olveda, Department of Transportation, Office of Transit and Community Planning, Mail Station 10-D, 111 Grand Avenue, Oakland, California 94612-3717, for review and approval prior to the RAW project construction. The Traffic Control Plan should identify:
  1. Access points to any Interstate, US and State Routes
  2. Staging areas
  3. Dump sites

4. Operating hours
  5. Project duration, scheduling and phasing, and
  6. The total number of construction vehicles and their respective haul routes *per project phase*. Haul routes should be carefully researched as truck prohibitions are in effect on some state routes during particular hours.
- Hauling on state routes should occur only during off peak hours, e.g., from 9:00 AM until 3:00 PM, if possible.